

1
2
3
4
5
6 UNITED STATES DISTRICT COURT
7 WESTERN DISTRICT OF WASHINGTON
8 AT SEATTLE

9 MICHAEL B. FJERSTAD,)

10 Petitioners,)

11 v.)

12 ROBERT PALMQUIST, *et al.*,)

13 Respondent.)

CASE NO. C08-274-RAJ-JPD

ORDER DISMISSING PETITION FOR
WRIT OF MANDAMUS

14 The Court, having reviewed petitioner's petition for writ of mandamus, the parties' cross-
15 motions for summary judgment, petitioner's motion for an order to show cause, the Report and
16 Recommendation of Judge James P. Donohue, United States Magistrate Judge, petitioner's motion
17 to appoint counsel, and the remaining record, does hereby find and Order:

18 (1) The Court adopts the Report and Recommendation.

19 (2) Respondents' motion for summary judgment (Dkt. No. 13) is GRANTED.

20 (3) Petitioner's cross-motion for summary judgment (Dkt. No. 15) is DENIED.

21 (4) Petitioner's motion for an order to show cause (Dkt. No. 27) is DENIED.

22 (5) Petitioner's motion to appoint counsel (Dkt. No. 35) is DENIED.

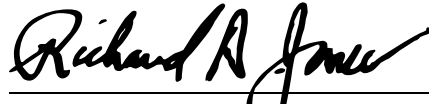
23 (5) Petitioner's petition for writ of mandamus, and this action, are DISMISSED, without
24

25 ORDER DISMISSING PETITION FOR
26 WRIT OF MANDAMUS - 1

prejudice, for failure to exhaust administrative remedies.

- (6) The Clerk is directed to send copies of this Order to petitioner, to counsel for respondents, and to Judge Donohue.

DATED this 17th day of September, 2008.


The Honorable Richard A. Jones
United States District Judge